

STATE OF INDIANA)
)
COUNTY OF MARION)

SS:

IN THE MARION SUPERIOR COURT
CAUSE NO. 49D01-0810-PL-048741

STATE OF INDIANA,)
)
Plaintiff,)

v.)

MARK A. GOLES,)

Defendant.)

FILED

18

FEB 02 2009

Elizabeth J. White
CLERK OF THE MARION CIRCUIT COURT

DEFAULT JUDGMENT

The Plaintiff, State of Indiana, having filed its Motion for Default Judgment, and the Court having read the same and being duly advised in the premises, now finds:

1. The Court has subject matter jurisdiction and personal jurisdiction over the Defendant, Mark A. Goles.
2. The Defendant was served with notice of these proceedings and a copy of the Complaint for Injunction, Restitution, Costs, and Civil Penalties.
3. The Defendant has failed to appear, plead, or otherwise respond to the amended complaint.
4. The Defendant is not an infant, incompetent, or in military service.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Default Judgment is **GRANTED** in favor of the Plaintiff, State of Indiana, and against the Defendant, Mark A. Goles.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that pursuant to Indiana Code § 24-5-0.5-4(c)(1), the Defendant, Mark A. Goles, his agents, representatives, employees, successors and assigns are permanently enjoined from engaging in the following:

a. representing, expressly or by implication, that the subject of a consumer transaction has sponsorship, approval, characteristics, accessories, uses, or benefits it does not have which the Defendant knows or reasonably should have known it does not have;

b. representing, expressly or by implication, the subject of a consumer transaction will be supplied to the public in greater quality than the Defendant intends or reasonably expects;

c. representing, expressly or by implication, that the Defendant is able to deliver or complete the subject of a consumer transaction within a reasonable period of time, when the Defendant knows or reasonably should know he cannot; and

d. representing, expressly or by implication, that consumers will be able to purchase the subject of a consumer transaction as advertised by the Defendant, if the Defendant does not intend to sell it.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that judgment is entered for the Plaintiff, State of Indiana, and against the Defendant, Mark A. Goles, as follows:

~~(a).~~ The contracts previously entered into by the Defendant with consumers Tony DeCarlo, Margaret Mary Fernandez, Henry Springer, and Luis Crespo are cancelled pursuant to Ind. Code § 24-5-0.5-4(d);

(b). The Defendant shall pay consumer restitution, pursuant to Ind. Code § 24-5-0.5

4(c)(2), in the amount of Nine Hundred Five Dollars and Fifty-One Cents (\$905.51), payable to the Office of the Attorney General, for allocation and distribution to the following consumers in the following amounts;

1.	Tony DeCarlo	\$282.05;
2.	Margaret Mary Fernandez	\$212.00;
3.	Henry Springer	\$211.46;
4.	Luis Crespo	<u>\$200.00.</u>
TOTAL:		\$905.51

(c). The Defendant shall pay the Office of the Attorney General its costs in investigating and prosecuting this action, pursuant to Ind. Code § 24-5-0.5-4(c)(3), in the amount of Seven Hundred Fifty Dollars (\$750.00);

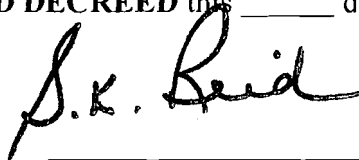
(d). The Defendant shall pay civil penalties, pursuant to Ind. Code § 24-5-0.5-4(g), for the Defendants' knowing violations of the Deceptive Consumer Sales Act, in the amount of Ten Thousand Dollars (\$10,000.00), payable to the State of Indiana; and

(e). The Defendant shall pay civil penalties, pursuant to Ind. Code § 24-5-0.5-8, for the Defendant's intentional violations of the Deceptive Consumer Sales Act, in the amount of Two Thousand Dollars (\$2,000.00), payable to the State of Indiana.

A total monetary judgment in the amount of Thirteen Thousand Six Hundred Fifty Five Dollars and Fifty-One Cents (\$13,655.51) shall therefore be entered in favor of the Plaintiff, State of Indiana, and against the Defendant, Mark A. Goles.

All of which is **ORDERED, ADJUDGED, AND DECREED** this _____ day of

FEB 02 2009, 2009.



Judge, Marion Superior Court

Distribution: (Attached)

Distribution:

Thomas Irons
Deputy Attorney General
Atty. No. 19822-49
Office of the Attorney General
Consumer Protection Division
302 West Washington St., IGCS 5th Floor
Indianapolis, IN 46204

Mark A. Goles
c/o Covenant House
1325 N. Western Avenue
Los Angeles, CA 90027
